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**UNITED STATES DISTRICT COURT**

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**EASTERN DISTRICT OF TEXAS**

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UNITED STATES OF AMERICA

*versus*

KENNETH LEO BUHOLTZ

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§

CRIMINAL ACTION NO. 4:11CR135

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On September 6, 2018, the report of the Magistrate Judge (Dkt. #136) was entered containing proposed findings of fact and recommendations that Defendant Kenneth Buholtz's pro se "Motion to Set Aside Order Dated August 28, 2017" ("Motion to Set Aside") (Dkt. #134) be denied.

Having received the report of the Magistrate Judge, having considered Defendant's recent correspondence related thereto (Dkt. #137), and having conducted a de novo review, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Defendant acknowledges that the Court has provided to him complete copies of the requested recording and transcript; however, he now claims that he is unable to receive audio recordings at his present facility and requests that the Court provide any recordings to a representative. Defendant's representative may contact the Clerk of Court to make any arrangements for obtaining any further copies of the recordings and/or transcripts of Defendant's proceedings before the Court.

It is **ORDERED** that the Motion to Set Aside (Dkt. #134) is **DENIED**. The Court has confirmed with the Clerk of Court that Defendant has been provided a complete copy of both the audio recording and certified written transcript of the January 22, 2013 hearing. Defendant's representative may contact the Clerk of Court to make any arrangements for obtaining any further copies of the recordings.

**IT IS SO ORDERED.**

SIGNED at Plano, Texas, this 10th day of October, 2018.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE